

Conditional Use Hearing
1146 North 6th Street
Council Chambers
Tuesday, May 7, 2013
5:25 p.m.

Ms. Goodman-Hinnershitz called the Conditional Use Hearing to order and explained the purpose of the hearing. She noted that the proper parties and applicant are present.

The City uses the Conditional Use Public Hearing to evaluate whether a proposed use is appropriate for a particular property and neighborhood. The property is located within an R3 high density, multi-use zoning district. The applicant is seeking the addition of one rental unit on the second floor of the property. This property has zoning for a single family dwelling. Housing Permits were paid annually since 1999; however, it is difficult to determine when the property owner began paying for two units.

Attending: City Councilors Goodman-Hinnershitz, Marmarou, Reed, Sterner, Corcoran, Acosta, City Clerk Kelleher, City Solicitor Younger Esq., Zoning Administrator Peiffer and City Planner Miller

A copy of the agenda packet and copies of the recommendations from the Zoning Administrator were provided to the applicant before the start of the hearing.

I. Testimony from Applicant

James Kintzer, owner, 3214 Fulton Street, Laureldale, PA 19605

Ms. Goodman-Hinnershitz asked Mr. Kintzer to step forward. The Solicitor administered the oath to Mr. Kintzer.

Mr. Kintzer stated that he purchased this property in 2006 as a two unit property and he was unaware that the property did not have the proper zoning that allowed the conversion. He stated that he was also unaware of the City's rental property requirements. He stated that his realtor did not advise him of the need for zoning and rental permits. He stated that after the fire that occurred last year, he learned that the property did not have zoning for a two unit and that the property did not meet the City's rental regulations. He stated that after the property is rehabilitated he would like to continue to use the property as a two unit.

Mr. Corcoran inquired if the property is currently vacant. Mr. Kintzer stated that the property has been vacant since the fire.

Mr. Marmarou inquired if the realtor who worked with Mr. Kintzer informed him about the

zoning and rental regulations. Mr. Kintzer stated that the realtor did not advise him about these issues; therefore, he believed he purchased a legal two unit rental property.

Ms. Reed inquired if the rehabilitation will include a reconfiguration of the property. Mr. Kintzer stated that he only intends to repair the property for use as a two unit.

Ms. Reed inquired if Mr. Kintzer would be financially able to support the property if the property was deconverted to a single family rental. Mr. Kintzer stated that due to the mortgage, a minimum of two units are needed. He stated that the majority of the properties in this neighborhood are multi-family rentals.

Mr. Marmarou inquired about property insurance. Mr. Kintzer stated that the property is insured as a two unit rental.

Ms. Goodman-Hinnershitz inquired if the photographs distributed by the Zoning Administrator were taken before the fire. Mr. Kintzer stated that the photographs were recently taken.

Testimony from City Staff

Ms. Goodman-Hinnershitz asked the Zoning Administrator to step forward. The Solicitor administered the oath to Mr. Peiffer, Zoning Administrator. He asked that the recent photographs of the property's exterior be entered onto the record. His report and recommendation is a part of the property packet. The report states that on or around 2001, this single family structure was illegally converted to a two unit rental. In 2008 the property was placarded by Property Maintenance due to an illegal residential unit in the basement. After the March 8, 2013 fire Property Maintenance and the Fire Department found the property had three rental units, one of which was the unit in the basement. The property was again placarded by Property Maintenance and Zoning. Trades permits were withheld until the applicant is granted zoning. The applicant is seeking a two bedroom unit for the first floor; however, the first floor does not meet the size requirements for a two bedroom unit.

The Zoning Administrator recommended approving the application for a two unit rental with a one bedroom unit on the first floor and one three bedroom unit on the combined second/third floors with conditions. He stated that the current owner paid the delinquent housing permit fees between 2006 and present.

Mr. Corcoran inquired if the three units existed at the time of the fire. The Zoning Administrator replied affirmatively.

Ms. Goodman-Hinnershitz asked the City Planner to step forward. The Solicitor administered the oath to Mr. Miller, City Planner. He stated that the Planning Commission

reviewed the application at their April 23rd meeting and recommended the approval of the application for a two unit property contingent on all necessary architectural plan approvals, permits and inspections.

Public Comment

Ms. Goodman-Hinnershitz opened the floor for public comment. No one stepped forward.

Applicant's Rebuttal

Mr. Kintzer stated that he did not wish to provide rebuttal testimony.

The Solicitor stated that Mr. Kintzer was provided with an agenda packet with attachments and the recommendations of the Zoning Administrator. The Solicitor asked Mr. Kintzer if he had any objections to allowing these documents to be entered on the record. Mr. Kintzer stated that he has no objection.

Ms. Goodman-Hinnershitz stated that City Council is required to approve or deny the application within 45 days of the hearing. She stated that the decision will be made by resolution at Council's regular business meeting on either May 28th or June 10th.

The hearing adjourned at 5:37 pm.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk